

The text below reflects single strikethrough and single underlines that were previously approved by the Board on February 24, 2015. All double underlines and strikethroughs require Board action as of April 15, 2015.

Amend Regulation Section 1859.70.4

Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and other characteristics of high performance schools.

On or after January 1, 2015, the Board shall not approve High Performance Incentive grants pursuant to Education Code Section 17070.965.

~~Any High Performance funds not yet approved for allocation by the Board by January 1, 2015, or rescinded on or after January 1, 2015, shall be subject to EC Section 101012(a)(8)(B).~~

Funds in the High Performance School Account on or after January 1, 2015 shall be made available to Approved Applications pursuant to Section 1859.93 (a) or Section 1859.93.1(a) in order of receipt pursuant to EC Sections 17075.15 (a) and (b). Funds remaining in excess of the aforementioned Approved Applications shall be allocated as follows:

- (a) 50 percent to Approved Applications pursuant to Section 1859.93 (b); and,
- (b) 50 percent to Approved Applications pursuant to Section 1859.93.1 (b).

Note: Authority cited: Sections 17070.35 and 101012, Education Code.

Reference: Section 101012(a)(8) and 17070.965, Education Code.

Amend Regulation Section 1859.93

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

- (a) First, to applications for Rehabilitation pursuant to Section 1859.83(e) in order of receipt of an Approved Application for funding; then,
- (b) If there are no applications pursuant to subsection (a), to applications for modernization funds in order of receipt of an Approved Application for funding.

~~All modernization applications shall be funded in the order of receipt of an Approved Application for funding until all modernization funds available to the Board have been apportioned.~~

Note: Authority cited: Sections 17070.35 Education Code.

Reference: Section 17074.15 and 17075.15, Education Code.

Amend Regulation Section 1859.93.1

Section 1859.93.1. New Construction Project Funding Order.

~~All new construction Applications, except those new construction applications identified in (ac) through (ee) below, shall be funded as follows: shall be funded in the order of receipt of an Approved Application for funding.~~

(a) First, to applications for Facility Hardship pursuant to Section 1859.82, except those for the seismic mitigation of the Most Vulnerable Category 2 Buildings, in order of receipt of an Approved Application for funding; then,

(b) If there are no applications pursuant to subsection (a), to applications for New Construction Grant(s) in order of receipt of an Approved Application for funding.

~~(ac)~~ Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.

~~(ad)~~ Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.

(ee) Approved Applications that utilize pupil eligibility derived from the Alternative Enrollment Projection method. These applications shall be funded in order of receipt once the OPSC and the DRU have approved the Alternative Enrollment Projection method or the Alternative Enrollment Projection annual update.

Note: Authority cited: Sections 17070.35 Education Code.

Reference: Sections 17072.25, and 17070.35, and 17075.15, Education Code.

Amend Regulation Section 1859.190

Section 1859.190. General.

An applicant seeking Career Technical Education Facilities Project funding pursuant to the provisions of Education Code Section 17078.72, shall complete and file Form SAB 50-10.

An applicant may submit multiple Career Technical Education Facilities applications for different career technical education projects located at a single school site, pursuant to Education Code Section 17078.72(e), (f), and (i).

Modernization of facilities under Article 16 shall not affect the Modernization Eligibility of the facility pursuant to Section 1859.60.

On or after January 1, 2015, the Board shall not approve any Career Technical Education Facility projects pursuant to Education Code Section 17078.73

~~Any Career Technical Education Facilities funds not yet approved for allocation by the Board on or by January 1, 2015, or rescinded after January 1, 2015, shall be subject to EC Section 101012(a)(4)(B).~~

Funds in the Career Technical Education Facilities Program account on or after January 1, 2015 shall be made available to Approved Applications pursuant to Section 1859.93 (a) or Section 1859.93.1(a) in order of receipt pursuant to EC Sections 17075.15 (a) and (b). Funds remaining in excess of the aforementioned Approved Applications shall be allocated as follows:

(a) 50 percent to Approved Applications pursuant to Section 1859.93 (b); and,

(b) 50 percent to Approved Applications pursuant to Section 1859.93.1(b).

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Sections 17078.72, 17078.73, and 101012(a)(4), Education Code.